

the facility operator. Such joint facility operating agreement shall authorize, upon acceptance by the authorized officer, the facility operator to enter upon the proposed facility site and related sites and to conduct thereon, in accordance with § 3262.4-1 of this title, such preliminary geologic and soil studies as are appropriate for the planning and design of the facilities necessary for the utilization of geothermal resources in the manner proposed. An operating rights owner, operator, or licensee also may construct and operate such facilities as have been approved under a plan of operation or utilization and for which a permit has been issued pursuant to the regulations in this part and, if a plant facility, for which a license has been issued in accordance with the regulations in this group.

[53 FR 17373, May 16, 1988]

#### **§ 3262.2-1 Local representative.**

When required by the authorized officer, the operator shall designate a local representative empowered to receive notices and comply with orders of the authorized officer issued pursuant to the regulations in this part.

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

#### **§ 3262.3 Drilling and producing obligations.**

(a) The operating rights owner shall diligently drill and produce such wells as are necessary to protect the lessor from loss by reason of production on other properties, or in lieu thereof, with the consent of the authorized officer, shall pay a sum determined by the authorized officer as adequate to compensate the lessor for failure to drill and produce any such well.

(b) The operating rights owner shall promptly drill and produce such other wells as the authorized officer may require in order that the lease be developed and produced in accordance with good operating practices. (See § 3203.8 of this title.)

[38 FR 35068, Dec. 21, 1973. Redesignated at 48 FR 44788, Sept. 30, 1983, and amended at 53 FR 17374, May 16, 1988]

#### **§ 3262.4 Plan of operation.**

Except as otherwise provided in these regulations, a operator, prior to commencing operations on the leased lands or on lands subject to an approved unit or cooperative agreement, shall obtain the approval of a plan of operation by the authorized officer. A plan of operation is not required for: Subsequent well operations, the construction of new production facilities, or the alteration of existing production facilities, unless specifically required by the authorized officer, exploration operations or casual use activities. However, unless a previously approved plan included a specific authorization for subsequent well operations, construction of new production facilities, alteration of existing production facilities or exploration operations, the operator may not conduct such operations or activities without the authorized officer's prior approval. Before commencing a subsequent well operation, the construction of a new production facility or the alteration of an existing production facility, the operator shall, as a minimum, obtain the authorized officer's approval of a permit or of a sundry notice, whichever is appropriate. Before commencing exploration operations, the lessee shall obtain the authorized officer's approval of a notice of intent. When a plan of operation is required by the regulations in this part, it shall be filed in triplicate with the authorized officer and shall include:

(a) The proposed location of each well, including a layout showing the position of the mud tanks, reserve pits, cooling towers, pipe racks, and other surface facilities;

(b) Existing and planned access and lateral roads;

(c) Location and source of authorized water supply and road building material;

(d) Location of camp sites, airstrips, and other support facilities;

(e) Other areas of potential surface disturbance;

(f) The topographic features of the land and the drainage patterns;

(g) Methods for disposing of waste material;

(h) A narrative statement describing the proposed measures to be taken in

conducting the proposed operation for the protection of the environment, including, but not limited to, the prevention or control of (1) fires, (2) soil erosion, (3) pollution of the surface and ground water, (4) damage to fish and wildlife or other natural resources, (5) air and noise pollution, and (6) hazards to public health and safety;

(i) All pertinent information or data which the authorized officer may require for proper and timely consideration of the plan of operation for the exploration, development, or utilization of geothermal resources and the protection of the environment;

(j) Provisions for monitoring to ensure that operations under the plan are conducted in compliance with the applicable regulations and GRO orders; and

(k) Provisions for collecting data concerning the existing air and water quality, noise, seismic and subsidence activities, and ecological systems of the leased lands for a period of at least 1 year prior to production with some of the collection to be continued during production and abandonment.

The authorized officer may reduce the data collection requirements of paragraph (k) of this section, including the duration of data collection, commensurate with the level of potential environmental impacts from proposed projects. The information required for paragraphs (a) through (f) of this section may be shown on a map or maps available from State or Federal sources, provided that the scale of such map(s) is acceptable to the authorized officer. All documents submitted to the authorized officer as part of or in support of a plan of operation shall be made available to interested parties for review, with the exception of those data which are subject to the provisions of §3264.5 of this title. Upon receipt of any plan of operation, the authorized officer shall take such measures as are appropriate to notify the Geothermal Environmental Advisory Panel, appropriate Federal, State, and local agencies, and interested members

of the public, of the availability of the plan for review.

[43 FR 13833, Mar. 31, 1978, as amended at 44 FR 37590, June 27, 1979; 47 FR 24130, June 3, 1982. Redesignated and amended at 48 FR 44788, 44790, Sept. 30, 1983, further amended at 53 FR 17374, May 16, 1988]

**§3262.4-1 Plan of utilization.**

At any time after the issuance of a Federal geothermal lease, the operating rights owner, operator, licensee, or facility operator may conduct preliminary soil tests or studies necessary for determining those site(s) on the lease which are most suitable for the construction of a proposed utilization facility. Those site investigations that involve trenching or the construction of additional roads will require the prior written approval of the authorized officer and the appropriate surface management agency. Unless already authorized under an approved plan of operation, the operating rights owner, licensee, or facility operator must submit in triplicate to the authorized officer a plan of utilization and obtain the approval of the authorized officer and the appropriate surface management agency prior to commencing any site preparation, road construction, or facility construction. A plan of utilization shall include, as appropriate:

(a) A description and/or plans for all proposed structures and facilities (other than proprietary data which may be submitted under §3264.2-1 of this title) to be constructed, erected, or located on the lease, including other support facilities or ancillary equipment. This portion of the plan should include:

- (1) A contour map showing the facility location(s);
- (2) A description of the purpose and operation of each facility;
- (3) A schematic flow diagram;
- (4) A plan for architectural landscaping;
- (5) A startup date and a schedule for the construction activities;
- (6) The planned safety provisions for emergency shutdown to protect public health and safety and for protection of the environment, including a schedule